

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LOWMORREO HARRIS, SR.,

Plaintiff,

v.

ORDER

CHARLES DEVENDORF and
AMANDA WATERMAN,

Defendants.

14-cv-047-wmc

This matter is set for trial on Monday, June 26, 2016. Plaintiff Lowmorreo Harris will be representing himself at trial. A telephonic status conference was held today, June 21, 2016, at which the court and parties discussed several outstanding issues relevant to trial, including plaintiff's failure to identify timely (and difficulty in locating) witnesses for trial, voir dire, jury instructions, the court's ruling on motions in limine, exhibits and housekeeping matters. In addition, plaintiff recently filed three motions that were addressed at the conference, but have not yet been formally ruled upon: (1) a motion for appointment of counsel, based primarily on plaintiff's inability to locate witnesses (dkt. #161); (2) a letter objecting to this court's previous denial of counsel and reiterating plaintiff's difficulty in locating witnesses (dkt. #162); and (3) a motion for issuance of subpoenas for Michael Jackson, Peter Sirianni, Sergeant Koran and Brian Ingenthron (dkt. #168). Each of these motions were ruled on orally at today's conference, and the court does so again formally in this order.

As this court has explained, plaintiff has repeatedly demonstrated his ability to advocate for himself in this case. During today's status conference, plaintiff again showed a clear understanding of the relevant facts and legal principles, presented coherent and sometimes persuasive arguments, was able to follow and participate in discussion of the issues, and confirmed his ability to represent himself at trial. Although challenging, the court is, therefore, persuaded that plaintiff is more than capable of representing himself.

Additionally, although he failed to identify them timely under Rule 26 and in pretrial filings, the court has made efforts to locate those witnesses for whom plaintiff recently requested subpoenas. Specifically, the court located plaintiff's principal witness, Michael Jackson, who is currently incarcerated in Racine County Jail, and issued a writ to ensure his appearance at trial on Monday. The court has been unable to locate Peter Sirianni, due to plaintiff's misspelling of his name, but will again attempt to locate him now that that his correct name and DOC number has been determined. The court also directed defense counsel to attempt to arrange for DOC Sergeant Koran to be available via video conference to testify in plaintiff's case, although advised after the conference that Koran is now retired. Given the untimeliness of plaintiff's subpoena request and the limited relevance of his testimony, however, the court will not issue a subpoena for Sgt. Koran's physical presence at trial. Finally, the court will not issue a subpoena for Mr. Ingenthron because plaintiff failed to explain how Mr. Ingenthron's testimony would be relevant to the claims remaining in the case, even if timely disclosed.

Accordingly, plaintiff's renewed requests for counsel and for issuance of subpoenas are ruled upon as follows.

ORDER

IT IS ORDERED that plaintiff Lowmorreo Harris's motions for appointment of counsel (dkt. #161, 162) are DENIED and motion for issuance of subpoenas (dkt. #168) is GRANTED in part and DENIED in part as set forth above.

Entered this 21st day of June, 2017.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge